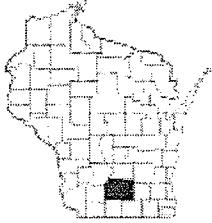


# DANE COUNTY CITIES' & VILLAGES' ASSOCIATION



**President:**

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Mayor  
City of Verona  
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**Vice President:**

Kurt Sonnentag  
Mayor  
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## Memorandum

To: Representative Al Ott, Chair  
Members of the Assembly Rural Economic Development  
and Rural Affairs Committee  
From: Forbes McIntosh  
Date: Wednesday, August 10, 2011  
Re: **Opposition to AB-181**

Dear Chairman Ott & Members of the Committee,

On behalf of the Dane County Cities and Villages Association (DCCVA) we are testifying today to express our concerns with and opposition to Assembly Bill 181; a bill authorizing towns to file lawsuits against unanimously approved direct annexations.

Under current law, town territory that is contiguous to any city or village may be annexed to that city or village under several methods, including direct annexation by unanimous approval. In this process, all of the residents and property owners in the potentially annexed area must sign a petition of support, the city or village must approve the annexation by a supermajority, and the final agreement must be reviewed by the Department of Administration.

A further stipulation of this process, however, is that a town may not challenge in court, on any grounds, any unanimous approval annexation. This language was inserted into annexation law by 2003 Wisconsin Act 317, which was compromise legislation negotiated between the Towns Association, Builders Association, Realtors Association and other local government and development groups. There is no need for this frivolous litigation, since there are many safeguards and checks-and-balances already built into the process to protect all the parties involved.

This legislation seeks to renege on the nearly decade-old agreement, as AB-181 would restore their ability to use taxpayer dollars to sue neighboring cities and villages over the validity of unanimous approval annexations. Further the bill seeks to not only to change state law to allow townships to sue, but legislation would also maintain the concessions given in the 2003 agreement to remain intact: namely the prohibition against annexing across county lines (unless approved by both county and town boards) as well as payments made by cities and villages to towns to help offset the decrease in property tax payments.

The concessions provided by all stakeholders involved in 2003 represents a good faith effort to obtain a "compromise" solution. To seek to modify only one portion of that compromise agreement to the detriment of cities and villages is inappropriate. If the Legislature wished to modify this part of state law, then the entire compromise agreement should be rescinded.

As members of the Assembly Committee on Rural Economic Development, we ask that you please not support this bill. This legislation will hamper economic development in Wisconsin, as studies have proven that annexation by a city or village spurs between 9-11 long-term jobs per acre.

We oppose making this detrimental change to the annexation law. Economic growth and development pressure are what drive responsible and planned annexation. Current law works and ensures local support and sustainable growth, while helping to foster much-needed economic development and job creation.

We thank the committee for your time and attention to this very important issue of local control.



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[www.lwm-info.org](http://www.lwm-info.org)

To: Assembly Committee on Rural Economic Development and Rural Affairs  
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities  
Date: August 10, 2011  
Re: Opposition to AB 181

The League of Wisconsin Municipalities opposes AB 181, restoring to towns the ability to challenge in court unanimous approval annexations.

Since 2004 towns have been prohibited from challenging in court, on any grounds, any annexation by unanimous approval. A unanimous approval annexation is one in which all the electors and all of the land owners in the territory proposed for annexation have signed the petition seeking annexation. Towns retain the ability to challenge non-unanimous approval annexations.

The prohibition on challenging unanimous approval annexations was inserted into state law by 2003 Wisconsin Act 317, which was compromise legislation that the Towns Association negotiated with the Builders Association and the Realtors Association. That legislation also for the first time prohibited municipalities from annexing across county lines without obtaining town and county board approval. It also required municipalities to make annual property tax setoff payments to towns for 5 years following an annexation. The Towns Association obtained both of these changes in state law in exchange for losing the ability to challenge the legality of unanimous approval annexations. Towns are now seeking to restore their ability to use taxpayer dollars to sue neighboring cities and villages over the validity of unanimous approval annexations without offering municipalities relief from any of the limitations on annexation that were part of the original deal.

Prior to the change in 2004, towns would sometimes file lawsuits challenging annexations even if no sound legal basis for the challenge existed merely to prevent or delay a property owner from annexing his or her territory into the adjacent municipality. Towns should not be able to use taxpayers' dollars to thwart or stall the efforts of landowners to annex and develop their property within a contiguous city or village.

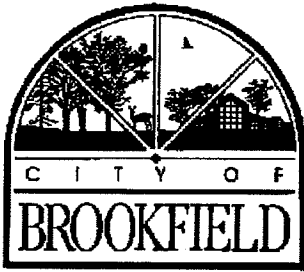
While the League strongly opposes AB 181 as currently drafted, we are willing to support a bill that more broadly addresses annexation issues. We would support AB 181 if it were amended as follows:

1. Condition the ability of a town to file a law suit challenging the legality of a unanimous approval annexation on a DOA determination that the annexation goes against the public interest.

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2. Require towns to reimburse municipal legal fees if a challenged annexation is upheld.
3. Repeal requirement that town and county boards approve any annexations across county lines.
4. Authorize municipalities to unilaterally annex town islands and town peninsulas.

Unless the above changes are made to the bill, we urge you to vote against recommending passage of AB 181. Thanks for considering our comments.



## DEPARTMENT OF COMMUNITY DEVELOPMENT

*Daniel F. Ertl, A.I.C.P., Director*

2000 North Calhoun Road

Brookfield, Wisconsin 53005-5095

262-796-6695 FAX 262-796-6702

August 8, 2011

Representative Paul Farrow

Via e-mail

[Rep.Farrow@legis.wi.gov](mailto:Rep.Farrow@legis.wi.gov)

SUBJECT: AB 181 Restoring the Right of Towns to Challenge Certain Annexations

Dear Representative Farrow:

As I presented to you or your staff recently as part of Brookfield's legislative briefing, the City of Brookfield opposes AB 181 that would restore rights to towns the ability to challenge or oppose unanimous consent annexations. Challenges could be in the form of litigation adding layers of court proceedings to an already layered process for a property owner who simply wishes to unanimously join a city or village.

Under current law, a town may not challenge in court, on any grounds, any annexation filed by unanimous approval of all property owners and electors residing within an area to be annexed. This language was inserted into annexation law by 2003 Wisconsin Act 317, which was a result of compromise legislation that the Towns Association negotiated with the Builders Association and the Realtors Association. For the benefit of towns, the 2003 Act prohibited municipalities from annexing across county lines without obtaining town and county board approval. It also required municipalities to make annual property tax offset payments to towns for 5 years following an annexation. The Towns Association obtained both of these changes in state law in exchange for losing the ability to challenge the legality of unanimous approval annexations.

Brookfield would oppose any legislation that curtails individuals' rights to choose their desired jurisdiction. At the core of the issue, a unanimous consent petition to annex lands to a city or village, by definition, represents an individual decision by a landowner or a resident, in the case of electors, to join a city or village. These petitions unequivocally represent freedom of choice. A unanimous consent petition is not a disenfranchisement nor is it a forced action by a majority against the wishes of a minority group. Either the petition is signed by all or it is not considered unanimous.

In some cases, economic development is stifled when property owners perceive they will become embroiled in a battle between a city and town, when the owner perceives that the town could block an annexation. Sometimes it is just the perception of threats by a town that may stall or kill the economic development opportunity.

In addition, the Town of Brookfield Sanitary District filed a challenge about three years ago to a unanimous consent petition of lands and electors to the City of Brookfield, while the 2003 Act would have prevented the Town of Brookfield to file a challenge. We view this action as contrary to the intent of the 2003 Act as a town, a town sanitary district or town water utility should be equally prohibited from challenging a unanimous consent petition to annex. This may have been an oversight in the drafting of the 2003 Act.

Brookfield would strongly urge our legislative delegation to oppose any attempts to empower a town, town sanitary district or town water utility to challenge a unanimous consent petition to annex lands to a city or village.

Please contact my office if you need any further information.

Daniel F. Ertl, A.I.C.P.  
Director of Community Development  
City of Brookfield

C: League of Municipalities, Mayor Ponto, Robert Scott, Director of Finance

## **Wisconsin Towns Association**

**Richard J. Stadelman, Exec. Director**

**W7686 County Road MMM**

**Shawano, Wis. 54166**

**Tel. (715) 526-3157**

**Fax. (715) 524-3917**

**Email: wtowns@frontiernet.net**

To: Assembly Rural Economic Development & Rural Affairs Committee

From: Richard J. Stadelman, Executive Director

Re: **AB 181 relating to legal standing for towns to challenge direct unanimous annexations**

Date: August 10, 2011

Wisconsin Towns Association supports the passage of AB 181 relating to authorizing towns legal standing to challenge direct unanimous annexations.

Background: Prior to 2003 Wis. Act 317 (which became effective May 6, 2004) towns had legal standing to challenge direct unanimous annexations. This bill had been an agreement supported by our Association with Wisconsin Realtors and Wisconsin Builders Association because this bill provided cities and villages would be required to pay the lost property taxes to the town from which land was annexed for five years and prohibited annexations into a county that a city or village was not already located in, in exchange for legal standing being taken from the towns to challenge direct unanimous annexations. The League of Wisconsin Municipalities and Wisconsin Alliance of Cities were not supportive of the bill and were not a party to the agreement between the Wisconsin Towns Association and the Wisconsin Realtors and Wisconsin Builders Association.

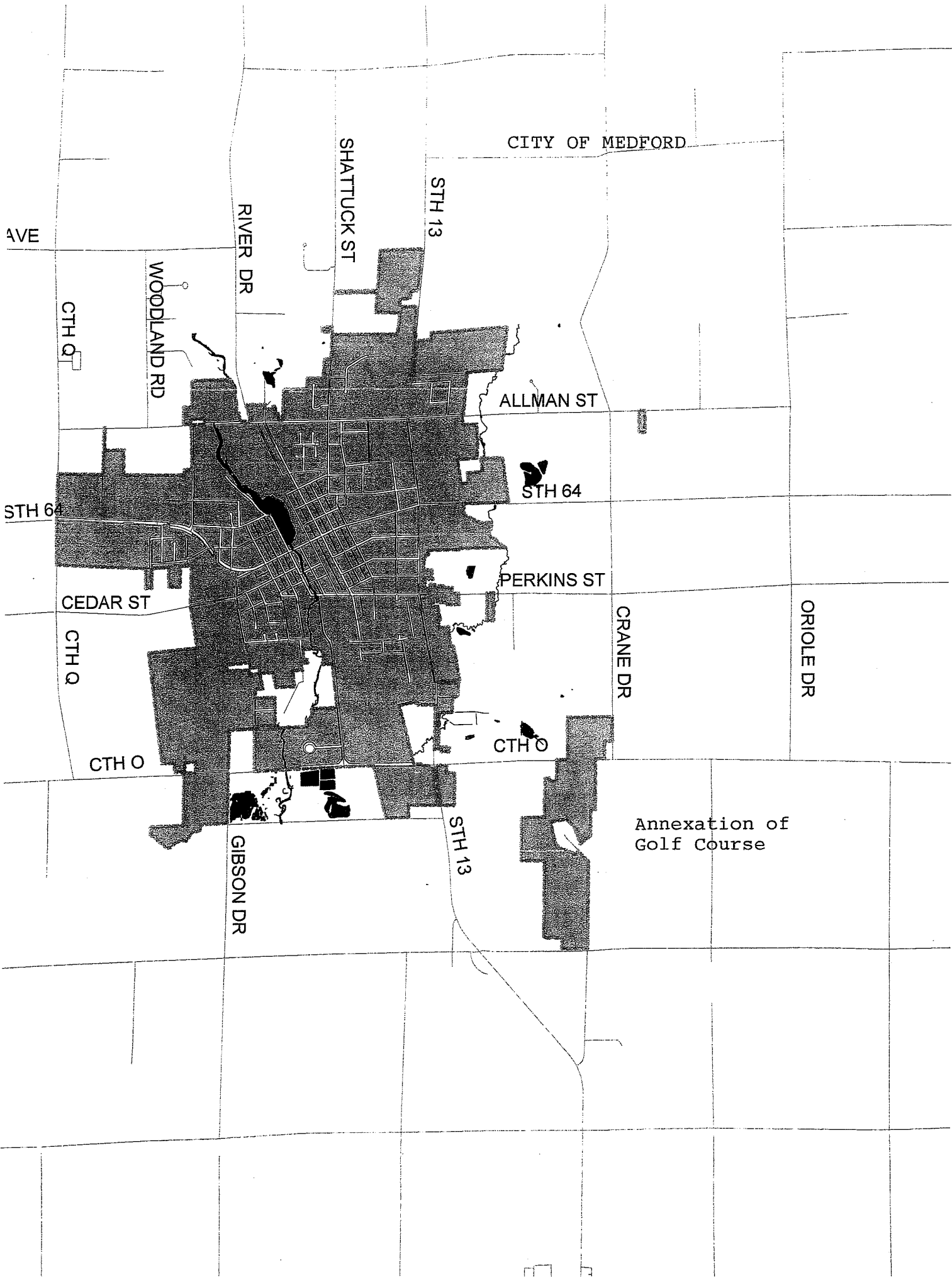
The re-codification of Chapter 66 of Wis. Statutes also at about the same time changed language in the direct unanimous annexation law to drop the word "contiguous." In years between 2004 and 2010 several villages and cities annexed land that was not "contiguous" to the village or city.

In the last legislative session SB 172 (AB 239 Assembly companion bill) was passed and became 2009 Wis. Act 366 (effective June 1, 2010) which required unanimous direct annexations to be "contiguous" to the village or city. Both of these bills contained the same language as this bill (2011 AB 181) but was dropped by agreement with the League of Wisconsin Municipalities and the Wisconsin Towns Association.

Current situation: Wisconsin Towns Association agreed to dropping the legal standing for towns to challenge direct unanimous annexations in SB 172 (AB 239 the Assembly companion bill) with the understanding if there were continued abuses of the direct unanimous annexation law by cities and villages. In the last year there have been additional direct unanimous annexations that appear to violate the annexation law both as to contiguity and by annexing into a county the city or village were not currently located in.

Reasons for adoption of AB 181: Without passage of AB 181 there is no legal standing for any party (neither the town from which land is located prior to annexation or property owners in the town or county) to challenge direct unanimous annexations.

**Wisconsin Towns Association respectfully asks your support for passage of AB 181.**



CITY OF MEDFORD

AVE

SHATTUCK ST

STH 13

RIVER DR

WOODLAND RD

CTH Q

ALLMAN ST

STH 64

STH 64

CEDAR ST

PERKINS ST

CTH Q

CRANE DR

ORIOLE DR

CTH O

CTH O

GIBSON DR

STH 13

Annexation of  
Golf Course



# Commission approves golf course annexation

by Reporter Mark Berglund

The City of Medford Plan Commission approved an annexation request at its meeting Monday from the Black River Golf Country Club which will bring the 9-hole course and a total of approximately 200 acres into the city. The golf course property is currently located in three different towns - Medford, Little Black and Deer Creek. The request now goes to the city council for action at its August 18 meeting.

In the letter requesting annexation, club president Terry Eggebrecht, cited an anticipated future plan to link to the city's sewer and water system and the added value of city police and fire department coverage as one of the reasons for the move. He wrote about the challenge of getting a fair assessment for the operation with assessors from three different towns determining the worth.

## Mike Wellner

"Is there any reason we wouldn't want to do this," commission member Dave Clark said. "Not that I can see," said Medford Mayor Mike Wellner.

The annexation would be slightly different as the area does not directly border the city. A recent change in state law allows the colony to occur. The move would not bring the nearby roads into the city fold. "So anyone from any part of Taylor County could annex to the city," plan commission member Dave Zimmerman asked. "Basically, that's true," city attorney Ken Schmeigle said. "The golf course property is currently



## Black River COUNTRY CLUB

a mix of usage with the nine holes taking up about 80 acres and the rest being devoted to facility buildings and agriculture land which is rented out. The land currently devoted to golf would be zoned G-1, a designation given to the Tee-Hi Golf Course in the city. The zoning class is also used for areas like schools and churches, which are public or semi-public areas expected to remain in that type of land usage. The agriculture land owned by the club would remain under an ag zoning class. City planner Bob Christianson said the difference in zoning does not change how the land is taxed as it is assessed for current use, not future potential.

The commission approved the plans for an addition to Our House, a senior assisted living facility on Hwy 64 near the high school. The addition would add 24 units to the north and a common area to the south. The additional space will allow the facility to upgrade its memory care unit. The commission decided to waive a parking space formula requirement aimed at apartment buildings as indications are the senior designed facility would not need as much parking. In addition to saving cost, waiving the parking stall rule would also save many of the trees surrounding the building. Commission member Pat DeChatelets said her mother is currently

at Our House and she has not seen a parking problem with the current layout, even on high visitor volume days.

The commission approved the site plan for an addition to the Bone and Joint Clinic on Hwy 13. Commission member Tim Hansen noted the work on the addition is already underway before the commission's review. Christianson said city staff reviewed the plans prior to the start of construction and gave the go-ahead. He said there is no rule requiring site plan review by the commission before work begins. "I realize they are ahead of the horse. I would never allow it if I was concerned about the plan," Christianson said.

The commission approved adding a definition to section 2.2 of the zoning code which reads "Ground floor means the floor that is normally located on ground level (a.k.a. first floor, ground floor) when referenced from the street that serves as the primary entrance to the building."

The commission tabled a proposed change to the code which would require building the primary structure on a residential lot before building a garage at the site. The commission felt there would be enough difference in each situation where the issue would arise so they did not want to be tied down by a new addition to the code.

## Hammel crash injures four

by Reporter Mark Berglund

A two-vehicle accident in the Town of Hammel injured four people Thursday, July 30. The accident occurred at 8:52 a.m. on CTH E, 150 feet south of Perkinstown Ave. Drivers Tammi J. Stunkel, 38, Sheldon and Marissa E. Meyer, 19, Medford, and a passenger in the Stunkel vehicle, Tristin J. Stunkel, 13, Sheldon, were transported for medical treatment while another passenger in the Stunkel vehicle, Katlyn L. Stunkel, 6, Sheldon, was not transported for treatment. Memorial Health Center reports neither Stunkel nor Meyer were patients at its facility. Another passenger, Ryan L. Stunkel, 8, Sheldon, was uninjured.

According to the accident report, the Stunkel vehicle was southbound when Meyer's northbound vehicle entered its lane of traffic making a left turn. The Meyer vehicle came to rest in the east ditch. The report said the officer inter-

viewed Meyer at the scene. Meyer was going to turn into her grandmother's driveway and had coughed from fluid in her mouth following a dentist visit. Stunkel said she opened her eyes and the air went off. Meyer said she had a local anesthetic while at the dentist. She said she had her signal on and her headlights on and may have moved over but could not recall for certain. She said she closed her cell phone and put it in her lap and had not taken her eyes off the road to do so. The report said the officer interviewed Tammi Stunkel after clearing the scene. Stunkel said the Meyer vehicle appeared suddenly and she thought about taking the ditch but decided to hold straight instead. Stunkel said the other vehicle did not signal and did not have its headlights on. Meyer was issued a citation for unsafe turn/lane deviation. The Medford Area Fire Department also responded to the scene.



Medford, Wisconsin

# STAR NEWS

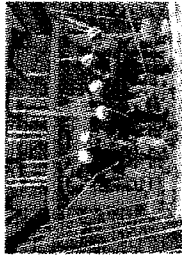
August 20, 2009  
Volume 136 ★ Number 34

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## Inside

Opinion 6  
Legals 15  
Court News 17  
Obituaries 19



Leap of faith  
pages 10-11  
Second Section

Article # 2

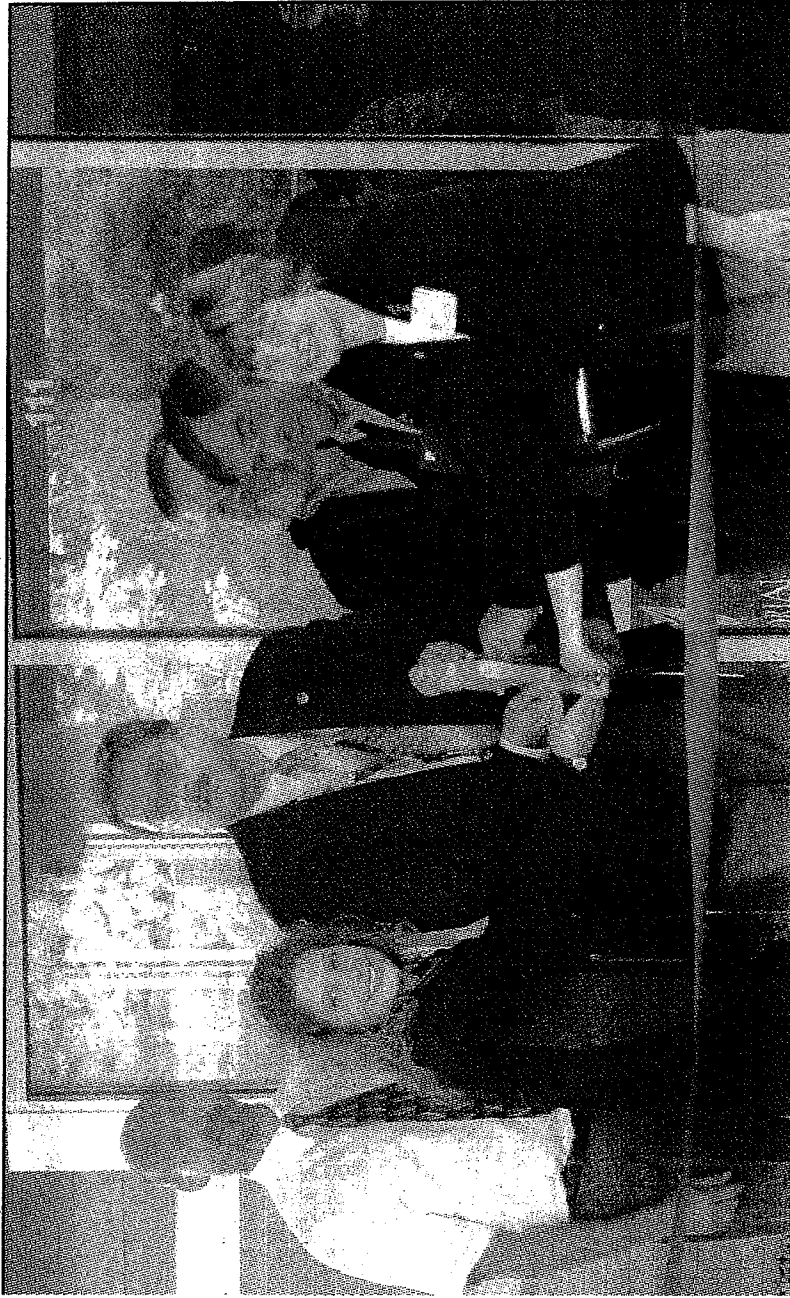


Photo by Brian Wilson

## Ribbon cutting

Health Center officials cut the ribbon officially opening the new Memorial Health Center Kidney Care/Dialysis center in Medford. The facility is located in the south end of the remodelled professional building on MHC's Medford Campus. Participating in the ribbon cutting were (l. to r.): Chip Courtney, MHC board president; Haley Kidney Care Center manager; Gregg Olson, president and CEO of MHC; Dr. Robert Millican, Kidney Care center medical director; Russ Weichelt, Aspirus manager of dialysis services and Kaaron Keene, vice president of patient care services. See pages 10 and 11 for story and more pictures.

## NTC wants Green Institute for Medford

Reporter Karyn Eckert

NTC has seen a 73 percent increase in full-time equivalent students at the Medford campus.

## Annexation tees off town officials

by News Editor Brian Wilson and Reporter Mark Berglund

When push came to shove, Medford aldermen on Tuesday night looked out for city residents and the potential for city growth first and in the process raised some hard feelings from neighboring town officials.

The council was being asked to give final approval to annexation to a 210-acre parcel spread across the towns of Medford, Little Black, and Deer Creek. The parcel is owned by the Black River Country Club and includes the current 9-hole golf course and additional property on which they hope to expand to 18 holes and sell residential lots.

What set this annexation apart from others in the city is that the property does not border Medford. While city attorney Ken Schmiede was specific in his wording noting the only way you can create an island is if the town is surrounded by the city, the parcel otherwise resembles an island in that it is detached from the rest of the city.

Historically, annexations had to border the city which they were being annexed to. However, with the removal of the word contiguous from the state's annexation rules and a subsequent court ruling in the southern part of the state affirming the interpretation of the law, the door is open to jump over parcels and annex land that does not border cities.

The annexation had already come through the city's planning commission and it would have taken a super majority of six of the eight aldermen to override the planning commission's recommendation.

See CITY on page 3

# ★ City council approves Black River Country Club annexation request

Continued from Page 1

Chuck Zenner of the Town of Little Black called on the city to do what is neighborly and either deny the annexation request or at the very least delay it.

On Monday evening, a delegation from the Town of Little Black met with the board of directors from Black River Country Club to try to convince them to change their minds and withdraw the request.

Terry Eggebrecht, president of Black River Country Club, told aldermen on Tuesday that the golf course was committed to proceeding with the annexation and asked for the council to approve it.

"All we are asking is for the city to put it on hold for a while," Zenner said. He quoted from an e-mail from Rep. Mary Williams regarding the matter and noted a proposal to reinsert the bordering requirement was in committee in the Assembly.

"If this loophole did not exist, we wouldn't be here," Zenner said, noting the town does not want to lose the tax base. Under state law, the city must pay the municipal portion of the local property taxes for five years on any annexation.

According to Zenner, the town was not given a chance to voice their concerns, he said the town clerk was told she could not talk at the planning commission meeting on the subject, a point that Wellner disputed, and only learned of the commission meeting where the annexation was to be considered the Friday before the Tuesday meeting.

It was later clarified that the clerk was advised by the town's assessor that she was not able to speak at the public hearing on the annexation.

He said while the city may be able to annex the parcel it also has the ability to not annex it and called on

the city to have a spirit of neighborliness.

"When I look at a loophole I ask is it an oversight or did the legislature intend to do it ... I look at it as the law is today. It looks to me like the city has the right to do it," Schmiege said.

"Why would we tell them no?" asked mayor Mike Wellner.

"What's our answer to the constituents we serve? Someone has come to us asking for annexation and each of us has to answer to our constituents," he added.

The city did not initiate the annexation effort, and is prohibited from soliciting property owners for annexation. One of the reasons given for the annexation was the potential for future sewer and water needed for development of lots to fund the expansion of the golf course. It is much easier for the city to provide the services.

The question then was raised by alderman Pat DeChatelets about who would pay for the sewer and water extension. Under city policies the extension would be paid for through special assessments on the adjoining property owners. If and until those properties either annexed to the city or hooked to the city services the special assessments would be deferred.

However, the golf course isn't asking for services at this time.

"We may be 7 or 8 years down the road with development. We would fund nine holes by selling lots and we feel there would be more value if they were served by city water and sewer," Eggebrecht said.

"Have we ever denied an annexation of property because of sewer and water issues?" asked alderman Peggy Kraschnewski. "We have a private property owner who wants to annex to the city. We have a recom-

mendation from the plan commission. There is no basis to deny," she said.

The annexation request generated some strong emotions. "You wonder why you don't get rural support, this is just another stab at the towns," said Town of Little Black supervisor Al Peissig. To which Wellner replied, "I wonder if the towns would have a good neighbor policy if they were gaining 210 acres?"

"I still have not heard why we would deny this. We are a conservative county which believes in private property rights," said alderman Greg Knight.

"We are criticized for not growing. What happens in 5-6-7 years if they have 18 holes and 10 homes on those lots and people ask why we didn't annex it in when we had the chance?" asked Wellner.

Aldermen voted to approve the annexation request on a 5-2 vote with Mike Bub and DeChatelets opposed. Bub noted he was bothered by the tight time frame getting the annexation passed.

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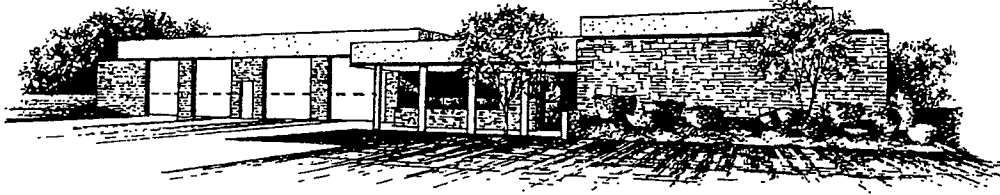
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# TOWN OF PARIS



## Kenosha County

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First Saturday of the Month: 9:00 a.m. - Noon

Rep. Alvin Ott

Chair, Assembly Committee on Rural Economic Development and Rural Affairs

Room 323 North

State Capitol

PO Box 8953

Madison, WI 53708

RE: AB 181

Dear Representative Ott,

I am the Chairman of the Town Board for the Town of Paris, in Kenosha County. Although I am unable to attend the Wednesday, August 10, 2011 public hearing, I am writing to express my strongest support for Assembly Bill 181, which would restore to towns the legal authority to challenge improper, and in some cases even illegal, annexations. As you are aware, current law severely curtails towns' standing to challenge certain annexations, including absolutely barring towns from being able to challenge the legality of direct annexations by unanimous approval. Cities and villages have used and abused towns' lack of standing to facilitate improper annexations, such as annexations of property not contiguous to the municipality or in a different county, knowing that the harmed towns were powerless to object. AB 181 would restore towns' standing to challenge annexations by unanimous approval, thereby forcing cities and villages to abide by the state's annexation laws and ensuring that, going forward, only legal annexations occur. AB 181 not only protects the residents of Wisconsin's 1,257 towns, it also upholds the rule of law by ensuring that illegal annexations are able to be challenged.

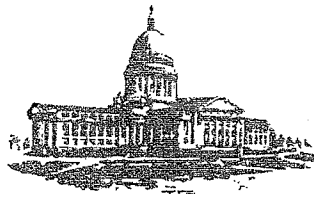
Thank you for your attention and, again, I would strongly encourage the Committee to support AB 181.

Sincerely,

Virgil Gentz

Town Chairman

Town of Paris, Kenosha County, Wisconsin



# Al Ott

State Representative • 3rd Assembly District

## **Assembly Bill 181**

### **Legal Standing for Towns in Certain Annexations**

**Assembly Committee on Rural Economic Development & Rural Affairs**

**August 10, 2011**

AB 181 restores the right of towns to legally challenge annexations by cities or villages under direct annexation by unanimous approval.

Current law specifically prohibits towns from taking legal action to contest the validity of annexations under the direct annexation by unanimous approval statute. This prohibition was adopted as part of 2003 Wisconsin Act 317.

Since the adoption of this prohibition, several cities and villages have enacted unanimous annexations that violate the state's annexation law by either annexing non-contiguous parcels, or annexing across county lines without the city or village already being located in the county.

This issue was brought to my attention when the City of Kaukauna, which is located entirely in Outagamie County, blatantly violated state law by annexing a parcel in the Calumet County Town of Harrison without the approval of the Town or the County, as required by statute. The Town of Harrison, however, has no legal recourse against this illegal annexation as the town is statutorily prohibited from bringing legal action against the City of Kaukauna.

Given the inability of towns to challenge these actions in court, there are virtually no means by which to enforce the current law prohibitions relative to annexations. Therefore, cities and villages are able to engage in illegal annexations, unchecked.

It should be noted that in the case of the City of Kaukauna/Town of Harrison annexation, the Department of Administration advised the City of the prohibition on their actions, but the Department's role in reviewing annexations is only advisory.

AB 181 repeals the statutory provision prohibiting towns from legally contesting the validity of direct annexations by unanimous approval.

The bill grants towns legal standing only in annexations undertaken via direct annexation by unanimous approval as outlined in s. 66.0217 (2). Further, the measure applies only to future annexations that may violate state annexation laws, and will not give legal standing in those instances where annexations have been adopted prior to initial applicability of the bill.

AB 181 was drafted at the request of the Town of Harrison (Calumet County) and the Wisconsin Towns Association.

I am aware of the concerns of the Wisconsin League of Municipalities, and others, regarding this bill. However, I am hopeful that we will be able to reach a point of compromise that both provides a much needed enforcement mechanism in the case of annexations that blatantly violate state law, and protects cities and villages against frivolous lawsuits from towns that simply want to delay an annexation.

Rep. 0H

**Assembly Bill 181  
Relevant Statutory Excerpts**

**66.0217(2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL**

Except as provided in this subsection and sub. (14), and subject to ss. 66.0301(6)(d) and s. 66.0307 (7), if a petition for direct annexation signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two-thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of sub. (4). In an annexation under this subsection, subject to sub. (6), the person filing the petition with the city or village clerk and the town clerk shall, within 5 days of the filing, mail a copy of the scale map and a legal description of the territory to be annexed to the department and the governing body shall review the advice of the department, if any, before enacting the annexation ordinance. **No territory may be annexed by a city or village under this subsection unless the territory to be annexed is contiguous to the annexing city or village.**

**66.0217(11) ACTION TO CONTEST ANNEXATION**

(a) An action on any grounds, whether procedural or jurisdictional, to contest the validity of an annexation shall be commenced within the time after adoption of the annexation ordinance provided by s. 893.73 (2). During the action, the application of, and jurisdiction over, any county zoning in the area annexed is as provided under s. 59.69(7).

(b) An action contesting an annexation shall be given preference in the circuit court. The court and the parties are encouraged to consider the application of s. 802.12 to an action contesting an annexation.

**(c) No action on any grounds, whether procedural or jurisdictional, to contest the validity of an annexation under sub. (2), may be brought by any town.**

**66.0217(14) (14) LIMITATIONS ON ANNEXATION AUTHORITY**

(a) 1. Except as provided in subd. 2., no territory may be annexed by a city or village under this section unless the city or village agrees to pay annually to the town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under s. 70.65, in the year in which the annexation is final.

2. No payments under subd. 1. must be made if the city or village, and the town, enter into a boundary agreement under s. 66.0225, 66.0301, or 66.0307.

**(b) No territory may be annexed by a city or village under this section if no part of the city or village is located in the same county as the territory that is subject to the proposed annexation unless all of the following occur:**

**1. The town board adopts a resolution approving the proposed annexation.**

**2. The county board of the county in which the territory is located adopts a resolution approving the proposed annexation.**

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21

MAPLE RD

SUBWAY RD

MINNESOTA AV

COTTAGE DR

COTTAGE LA

USH 45

29

28

SILVER ST

NORTHWESTERN AV

North Fond du Lac

FRANKLIN AV

33

32